

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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WORCESTER, SS.:

Civil Action No. 03-12099-PBS

U.S. DISTRICT COURT
DISTRICT OF MASS.

DONALD ACHER,

Plaintiff,

v.

FUJITSU NETWORK COMMUNICATIONS, INC.

Defendant.

SUPPLEMENTAL AFFIDAVIT OF DONALD ACHER

I, Donald Acher, to hereby state under oath as follows:

1. This supplemental affidavit is being submitted in response to the Reply Affidavit of Melanie Scofield dated December 18, 2003.

2. In or about 1998, Fujitsu implemented an internal company web site or intranet, for access by its employees. Due to software problems or other related problems with the system, I did not have access to this intranet until on or about 1999.

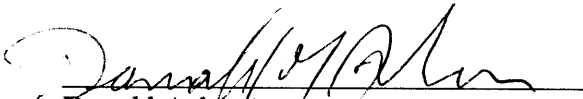
3. As a senior sales manager, at least 80% of my time is spent in the field. Of the remaining 20%, almost all of the time is spent utilizing e-mail or telephoning customers/employees. The e-mail system is not related to the intranet.

4. In utilizing the intranet, I never saw or became aware of Fujitsu's arbitration policy. As previously indicated in my prior affidavit, I had no knowledge of any arbitration policy until after my employment was terminated.

5. Fujitsu, has on occasion, distributed notices or announcements to managers and/or employees regarding specific policies and practices of the company. At no time was I ever provided with a notice or an announcement of the arbitration policy or any amendments to said policy.

6. Although I have had access to the intranet, I would not have known to look for an arbitration policy amongst the many documents that exist.

Signed under the pains and penalties of perjury this 15 day of January, 2004.


Donald Acher